REMARKS

Claims 1, 3, 5-19, 21-23 and 26 are pending. The Examiner's reconsideration of the rejections is respectfully requested in view of the amendments and remarks.

The drawings have been objected to for various informalities. Formal drawings are attached hereto. The Examiner's reconsideration of the objections is respectfully requested.

Claims 5-7 have been objected to because the strikethrough of "4" was not easily perceived in the prior amendment. The amendment of claims 5-7 has been reiterated, wherein the deletion of "4" is indicated by double brackets. The Examiner's reconsideration of the objection is respectfully requested.

Claims 1, 3, 7-9, 13-16, and 21-23 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Zweben et al. (U.S. Patent Application No. 2002/0169686) in view of Godsey et al. (US 2002/0161651) and further in view of Jenkins (USPN 5,186,281). The Examiner stated essentially that the combined teachings of Zweben, Godsey and Jenkins teach or suggest all the limitations of claims 1, 3, 7-9, 13-16, and 21-23.

Claim 1 claims, *inter alia*, "receiving the electronic service request including the customer purchase order; tracking a location of the mobile device issued to the customer; and delivering the product to a checkout register according to the location to which the mobile device is tracked." Claim 9 claims, *inter alia*, "determining a customer purchase order for a selected product, the electronic service request including the customer purchase order; tracking a location of the mobile device issued to the customer to a checkout register; and delivering the selected product to the checkout register according to the location to which the mobile device is tracked."

Zweben teaches a system and method for providing targeted product and service information to retail consumers (see paragraph [0003]). The targeted product and service

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information is provided based on search criteria (see paragraph [0041]) or based on an identification of a specific product (see paragraph [0042]). Zweben does not teach or suggest "delivering the product to a checkout register according to the location to which the mobile device is tracked" as claimed in claim 1 or "delivering the selected product to the checkout register according to the location to which the mobile device is tracked" as claimed in claim 9. Zweben teaches that a consumer provides either search criteria for determining a product that has yet to be identified or an identification of a specific product (see Figures 4 and 5). Zweben's method retrieves product information, cross-sell information, and up-sell information based either on the search criteria describing products or product identification (see paragraph [0043]). Nowhere does Zweben teach or suggest delivering a selected product to a checkout register according to a location to which a mobile device is tracked. Therefore, Zweben fails to teach or suggest all the limitations of claims 1 and 9.

Godsey teaches methods for tracking shopping carts through a store (see paragraph [0019]). Godsey does not teach or suggest "delivering the product to a checkout register according to the location to which the mobile device is tracked" as claimed in claim 1 or "delivering the selected product to the checkout register according to the location to which the mobile device is tracked" as claimed in claim 9. Godsey teaches tracking a shopping cart and using tracking data to determine parameters such as product placement (see paragraph [0036]). Godsey teaches tracking a shopping cart path and placing products according to recorded data about the shopping carts' path. Tracking shopping carts, devices for carrying products to a checkout register, as taught by Godsey, does not teach or suggest delivering a product to a checkout register according to a location to which a mobile device is tracked. Godsey's delivery of a product to a checkout register is dependent on the customer pushing the shopping cart to the

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checkout register. Further, the delivery of Godsey is independent of the location of the shopping cart. For example, the customer of Godsey could leave a shopping cart in an isle and hand carry an item to a checkout register. Nowhere does Godsey teach or suggest a product being delivered to a checkout register according to a location to which a mobile device is tracked, essentially as claimed in claims 1 and 9. Therefore, Godsey fails to cure the deficiencies of Zweben.

Jenkins teaches a system and method for selecting an item at a desired display panel and proceeding to a predetermined finalizing terminal (see Figure 8). Jenkins does not teach or suggest "delivering the product to a checkout register according to the location to which the mobile device is tracked" as claimed in claim 1 or "delivering the selected product to the checkout register according to the location to which the mobile device is tracked" as claimed in claim 9. Products of Jenkins are delivered to one finalizing terminal whether or not the customer ever arrives at the finalizing terminal (see Figures 1 and 8). Thus, similar to Godsey, the delivery of goods is independent of the location of the customer (Jenkins) or his/her mobile device (Godsey). Further, the system and method of Jenkins has no need for tracking a customer or his/her device; all products are delivered to the finalizing terminal. Thus, Jenkins' delivery of goods is in no way related to a position of customer, much less the position of a mobile device. Therefore, Jenkins fails to cure the deficiencies of Zweben and Godsey.

Nowhere does the combined teachings of Zweben, Godsey and Jenkins teach or suggest the delivery of goods is in any way related to a position of a mobile device. Therefore, the combined teachings of Zweben and Godsey fail to teach or suggest "delivering the selected product to the checkout register upon tracking the mobile device to the checkout register" as claimed in claims 1 and 9.

Claims 3, 7, 8 and 21 depend from claim 1. Claims 13-16, 22 and 23 depend from claim 9. Claim 26 depends from claim 17 (addressed below). The dependent claims are believed to be allowable for at least the reasons given for claims 1, 9 and 17. The Examiner's reconsideration of the rejection is respectfully requested.

Claim 5 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Zweben in view of Godsey, further in view of Jenkins and further in view of Lefkowith (U.S. Patent Application No. 2002/0188501). The Examiner stated essentially that the combined teachings of Zweben, Godsey, Jenkins and Lefkowith teach or suggest all the limitations of claim 5.

Claim 5 depends from claim 1. Claim 5 is believed to be allowable for at least the reasons given for claim 1. The Examiner's reconsideration of the rejection is respectfully requested.

Claim 6 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Zweben in view of Godsey, further in view of Jenkins and further in view of Official Notice. The Examiner stated essentially that the combined teachings of Zweben, Godsey, Jenkins, and information recognized by Official Notice teach or suggest all the limitations of claim 6.

Claim 6 depends from claim 1. Claim 6 is believed to be allowable for at least the reasons given for claim 1. The Examiner's reconsideration of the rejection is respectfully requested.

Claims 10-11 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Zweben in view of Godsey, further in view of Jenkins and further in view of Saito et al. (U.S. Patent Application No. 2001/0014870). The Examiner stated essentially that the combined teachings of Zweben, Godsey, Jenkins and Saito teach or suggest all the limitations of claims 10-11.

Claims 10-11 depend from claim 9. The dependent claims are believed to be allowable for at least the reasons given for claim 9. The Examiner's reconsideration of the rejection is respectfully requested.

Claim 12 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Zweben in view of Godsey, further in view of Jenkins and further in view of Saito, and further in view of Official Notice. The Examiner stated essentially that the combined teachings of Zweben, Saito and Official Notice teach or suggest all the limitations of claim 12.

Claim 12 depends from claim 9. Claim 12 is believed to be allowable for at least the reasons given for claim 9. The Examiner's reconsideration of the rejection is respectfully requested.

Claims 17, 19, 25 and 26 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Zweben in view of Ambrose et al. (U.S. Patent Application No. 2002/0065879). The Examiner stated essentially that the combined teachings of Zweben and Ambrose teach or suggest all the limitations of claims 17, 19, 25 and 26.

Claim 17 claims, *inter alia*, "determining a number of preceding queries in the query queue" and "delivering an indication of the number of preceding queries to the mobile device."

Zweben teaches that targeted product and service information is provided based on search criteria (see paragraph [0041]) or based on an identification of a specific product (see paragraph [0042]). Zweben does not teach or suggest, "determining a number of preceding queries in the query queue" as claimed in claim 17. Zweben teaches a response according to a designated product includes information about the designated product and other products, including cross-sell and up-sell information (see Figures 4-6). Zweben fails to teach or suggest a query queue,

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much less "determining a number of preceding queries in the query queue" as claimed in claim 17. Therefore, Zweben fails to teach or suggest all the limitations of claim 17.

Ambrose teaches a method and system for transferring service requests and responses to the requests between a thin client and an enterprise server in a client-server system (see Abstract). Ambrose does not teach or suggest, "determining a number of preceding queries in the query queue" as claimed in claim 17. Ambrose teaches a customer created a service request (see paragraph [0339]). Nowhere does Ambrose teach or suggest that the number of service requests in a queue is determined, essentially as claimed in claim 17. Thus, Ambrose does not teach or suggest, "determining a number of preceding queries in the query queue" as claimed in claim 17. Therefore, Ambrose fails to cure the deficiencies or Zweben.

The combined teachings of Zweben and Ambrose fail to teach or suggest, "determining a number of preceding queries in the query queue" as claimed in claim 17.
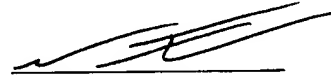
Claims 19 and 26 depend from claim 17. Claim 25 has been cancelled. Claims 19 and 26 are believed to be allowable for at least the reasons given for claim 17. The Examiner's reconsideration of the rejection is respectfully requested.

Claim 18 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Zweben and Ambrose in view of Yacoby (U.S. Patent No. 6,516,311). The Examiner stated essentially that the combined teachings of Zweben, Ambrose and Yacoby teach or suggest all the limitations of claim 18.

Claim 18 depends from claim 17. Claim 18 is believed to be allowable for at least the reasons given for claim 17. The Examiner's reconsideration of the rejection is respectfully requested.

For the forgoing reasons, the application, including claims 1, 3, 5-19, 21-23 and 26, is believed to be in condition for allowance. Early and favorable reconsideration of the case is respectfully requested.

Respectfully submitted,

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